

REMARKS

Claims 1-14 are pending. By this Amendment, claims 4 and 9 are cancelled, claims 1-3, 5-8, and 10-14 are amended, and new claims 15-24 are presented.

This Amendment adds no new matter. Regarding claim 1, the recitation of “at least 16.5 micrograms of a second latex-labeled specific binding reagent” finds support in the application as filed as follows: at page 10, line 1, the specification discloses that use of a 2% w/v latex results in deposition of about 22 micrograms of control latex. At page 14, line 1, the specification discloses the use of a 1.5% w/v latex. Because 1.5% is three-fourths of 2%, one of ordinary skill would appreciate that use of a 1.5% w/v latex would result in the deposition of three-fourths of the 22 micrograms of control latex deposited by use of a 2% w/v latex, or 16.5 micrograms. Regarding claim 23, the specification discloses use of Millipore HF180 membrane at page 12, lines 11-12, and page 13, line 1. As is readily known to one of ordinary skill in the art, Millipore High-flow membranes are numbered based on their capillary flow time. HF180 has a capillary flow time of 180 seconds per 4 centimeters.

Claim Rejections: 35 U.S.C. § 112, second paragraph

Claims 1-14 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for various reasons.

Applicants ask the Examiner to reconsider and withdraw the rejections in view of the claim amendments and cancellations.

Claim Rejections: 35 U.S.C. § 102

Claims 1, 3, 6, 9, 10, 11, 12, and 14 were rejected under 35 U.S.C. § 102(e) as encompassing subject matter anticipated by U.S. Pat. No. 7,018,847 to Mendel-Hartvig et al.

Claims 1-9 and 9-14 were rejected under 35 U.S.C. § 102(e) as encompassing subject matter anticipated by U.S. Pat. No. 5,602,040 to May et al.

Applicants ask the Examiner to reconsider and withdraw the rejections, because neither reference discloses all elements recited in claim 1, as amended, in the claimed arrangement.

Claim Rejections: 35 U.S.C. § 103(a)

Claims 7 and 8 were rejected under 35 U.S.C. § 102(e)/103(a) as encompassing subject matter anticipated by, or, in the alternative, unpatentable over Mendel-Hartvig et al.

Applicants ask the Examiner to reconsider and withdraw the rejection. As noted above, Mendel-Hartvig does not disclose all limitations recited in claim 1 as amended, from which both claims 7 and 8 depend. Mendel-Hartvig therefore does not disclose or suggest all limitations recited in claims 7 and 8.

Respectfully submitted,
FOLEY HOAG LLP

Dated: May 2, 2007

/SCOTT E. KAMHOLZ/
Scott E. Kamholz, Reg. No. 48,543
Applicants' Attorney

FOLEY HOAG LLP
155 Seaport Blvd
Boston MA 02210-2600
Tel: (617) 832-1230
Fax: (617) 832-7000